## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Eric R. Gelvar and Sheri A. Gelvar, his wife, for that property known as 112 Hawthorne Avenue in the Ralston-Annex subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5-1/2 ft., in lieu of the required 10 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5-1/2 ft., in lieu of the required 10 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> > -2-

LES:mmun

ZONING COMMISSIONER FOR BALTIMORE COUNTY

ZONING DESCRIPTION COUNCIL DIST #2. ELEC. DIST. 3 BESINNING AT A POINT ON THE NORTH SIDE OF HAWTHORNE AVE. (50 FT. W.DE) AT A DISTANCE OF 265 FT. WEST OF THE CENTERLINE OF IVANHOE

PLACE (SO FT. WIDE) BEING KNOWN AS LOT # 272 AND PANTOFLAZILIN THE SUBDIVISION OF PLALSTON ANNEX AS REFERENCED IN DEED 7693/659. ALSO KNOWN AS # 1/2

> Claccept suppossibility or petiting fockage as whawn

**Suite 113 Courthouse** 400 Washington Avenue Towson, MD 21204 July 1, 1993 Mr. and Mrs. Eric R. Gelvar 112 Hawthorne Avenue Baltimore, Maryland 21208 RE: Petition for Administrative Variance Case No. 93-417-A 112 Hawthorne Road Dear Mr. and Mrs. Gelvar: Enclosed please find the decision rendered in the above captioned

case. The Petition for Administrative Variance has been granted, in accordance with the attached Order. In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the

**Baltimore County Government** Zoning Commissioner

Office of Planning and Zoning

date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

(410) 887-4386

LES:mmn encl.

Frie & Short Gollar Location of property: 112 N/S How Thorns Are, 765' W/ Ivon hoe Place Location of Signer Focing 400 d Way on proporty of Philioner.

Zoning Administration & Development Management		rgilese
111 West Chese peake Avenue for san, Maryland 21204	Account: R-001-6150	
Date 5/27/93 93-	417-A By JLL	•
FIUNG FEE FOR RES. VAR	(ODE 010 = \$50.00	
(1) SIGN FOSTING FEE		
	TOTAL = 185.00	
NAME : GBVLAR		
LOC. 112 HAWTHORNE AVE	03A03#0107M1CHRC 8A C003:10PM05-27-93	<b>\$85.</b> 00

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 302 3 C.1 \*\*\* PROPERTY A SIDEYARD SETBACK OF BY FT IN LIEU OF THE PERMITED 10 FT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) ) Undue Hardship - (ii) peculiar to subject property

AND (iii) Hordship not result of applicant's own actions

a) Practical Difficulty (iii) variance would not obstruct

public safety or welfare

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

			I/We do solemnly declare and affirm under the penalties of perjury that I/we as legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Owner(s)
(Type or Print Name)	<del></del>	<del></del>	Typeror Print Name:
Signature		·· <u></u>	Signeture 410-484-55
Address		·	Shen A. Gelvar
			trype of Print Name)
City	State	Zipcode	Signature 554-3118
Attorney for Petitioner			
(Type or Print Name)	<del></del>	· <del>···</del>	112 Hawthorne Avenue 410-484 Address Phone No
			Buttomore, MD 21208
Signature	<del></del>		City State Zipcode Name. Address and phone number of representative to be contacted
			Spinie.
Address	Phone	No	Name
City	State	Zipcode	Address Phone No
A Public Names by June 1		<del> </del>	
the stope of the printing p	טעיט וייטוויים אבי ועו עו טענ	NC NEORING GOVERNIGES S	red by the Zoning Commissioner of Baltimore County, this day of as required by the Zoning Regulations of Baltimore County, in two newspapers of g
circulation throughout Baltimor	re County, and that the	property be reposted.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
\ N	, 1		Zoning Commissioner of Baltimore County
REVIEWED BY	DATE: 5 1 1 1	17	N2.1
	water the	7	ITEM #: 27 ) \
ESTIMATED POSTING DATE:	6113173		

**Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.:
Petitioner: Enc R Gelvar & Sheri A. Gelvar
Location: 1/2 Hawthome thenre Baltimore, MD 2/204
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ERICR. BELVAR'S SHERIA GOLVAR
ADDRESS: 1/2 Hawthorne Avenue
Baltimore, MD 21208
PHONE NUMBER: 410-484-4230

Printed on Recycled Paper

(Revised 04/09/93)

Affidavit in support of 93-417-A
Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 1/2 Hawthorne Avenue

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) Hardship and Practical Difficulty as stated on the front side of this sheet.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

ERIC RUSSEL GELVAR and SHERI A GELVAR

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

HAWTHORNE AVE.

the information in the

June 21, 1993

Mr. and Mrs. Eric Russel Gelvar 112 Hawthorne Avenue Baltimore, MD 21208

> RE: Case No. 93-417-A, Item No. 431 Petitioner: Eric Russel Gelvar, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Gelvar:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 27, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

6-3.93

Re: Baltimore County
Item No.: 431(J22)

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: June 10, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 427, 429, 431 and 432.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

427.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

Building shall comply with the 1991 Life Safety Code

Building shall comply with the 1991 Life Safety Code

TO: Zoning Advisory Committee

SUBJECT: June 14, 1993 Meeting

No Comments

No Comments

No Comments

No Comments

No Comments

Captain Jerry Pfeifer

Inter-Office Correspondence

DATE: June 7, 1993

Baltimore County Government

and Development Management

Office of Zoning Administration

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Eric and Sheri Gelyar 112 Hawthorne Avenue Baltimore, Maryland 21208

CASE NUMBER: 93-417-A (Item 431) 112 Hawthorne Avenue N/S Hawthorne Avenue, 265' W of Ivanhoe Place 3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 13, 1993. The closing date (June 28, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Name Steristric Gelvar Address 112 Hawthorne Ave CO. HINDE . U.D 21208 Work Phone # 554-3/18 Home Phone # 484-4230

(Please print clearly) Address

Home Phone #

BALTIMORE COUNTY, MARYLAND TOWSON. MARYLAND 21204 LOCATION: 112 HAWTHORNE AV SUBDIVISION: RALSTON ANNEX

PERMIT #: B165815 CONTROL #: MR DIST: 03 PREC: 04 DATE ISSUED: 06/08/93 TAX ACCOUNT #: 0302070370 CLASS: 04 PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO

THIS PERMIT

EXPIRES ONE

YEAR FROM DATE OF ISSUE

OWNERS INFORMATION NAME: GELVAR, ERIC RUSSEL & SHERI A. ADDR: 112 HAWTHORNE' AVE 21208

CONTR: COLUMBIA WOODWORKING ENGNR SELLR:

CONSTRUCT 1 STORY W/BSMT ADDITION ON SIDE & REAR OF EXISTING SFD. TO BE USED FOR 2 BORMS, 1 BATH & 1 FOWDER ROOM. BASEMENT FOR STORAGE. 24X40X24 W/4X24 OFFSET = 1680SF. CORRECTION GIV GIVEN-NO FEE. VARIENCE CASE ITEM #431. PROVIS-IONAL APP PER ZADM. REP. B151833. PLN WVED JPP. BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED ESTIMATED \$ FROFOSED USE: \$FD & ADDITION

10,000.00 EXISTING USE: SFD TYPE OF IMPRV: ADDITION USE: ONE FAMILY

FOUNDATION: BLOCK BASEMENT: FULLS/ SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST LOT SIZE AND SETBACKS SIZE: 60X119

FRONT STREET: N-A SIDE STREET: N-A FRONT SETB: NC SIDE STR SETR: REAR SETB: 32

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

93-417-A

Arnold Jablon, Director Baltimore County Office of Zoning Administration & Development Management County Office Building 111 West Chesapeake Avenue Towson, MD 21204

> Re: 112 Hawthorne Ave. Item # 431 Residential Administration Variance

Dear Mr. Jablon:

We are writing to you in an effort to request your help in approving our variance. We understand that this approval would be a provisional one, conditioned on no objections being filed by our neighbors during the thirty (30) day period.

We would like to take this opportunity to briefly explain the reasons for our request and the hardship we have encountered.

We understand that our property is zoned DR5.5 which means there are 10 foot side setback lines. Out of necessity, in December of 1992, we decided to extend our home by adding an addition. We obtained an FHA 203K Rehabilitation Loan which is set up in draws to be released to us and our subcontractors as building progresses. We had our attorney contact the Baltimore County Zoning Department since we knew that we would be closer than 10 feet to the westernmost property line. Our attorney spoke to Mr. Goetz in the Zoning Department and made arrangements for a variance to be granted so that zoning could sign off on the building permit.

The problem arose when our subcontractor submitted an INCORRECT Plat Plan showing no violation of the 10 foot side setback line. We think that Mr Goetz determined that the variance was no longer needed and therefore zoning signed off on the incorrect plot plan and building permit.

We have had a number of inspections by our lender and by Baltimore County inspectors, beginning with the inspection of the footers and

Printed on Recycled Paper

Towson, MD 21204

LOCATION: 112 HAWTHORNE AVE

111 West Chesapeake Avenue Provisional Approval Permit No: 18165815

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

The issuance of this permit in no way grants or implies approval of

any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations. The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

Owner has filed for a public hearing, Item # 431conflicts with the Baltimore County Zoning Regulations.

Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed How Hallow Signed Owner

Contract Purchaser (Please print clearly)

SIDE SETB: 5.5/NC

June 7, 1993 93-417-A

To Whom It May Concern:

The receipt of this letter reflects the support given to Eric R. Gelvar and Sheri A. Gelvar, residents of 112 Hawthorne Avenue, Baltimore, Maryland, to build an addition to their already existing house.

The addition to be built will be 896 square feet. (20'x 40' with a 4' x 24' offset) It will include one story with basement on side and rear, two bedrooms and one and one half bathrooms. The basement will be storage.

The zoning for this residents is declared a DR5.5 which requires a 10' setback from each side and a 30'setback from the rear of the property. IT is the builders preference to build within the 10'setback zoning law of Baltimore County.

I/We, flend. Schwart, of 1/0 Hauthru friendlye full permission for the builder/residents to build within the 10' setback. (5.5')

Date: 6/7/93

Conne Thanso

my commission expires

93-417-A

June 7, 1993

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93-417-A

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Date: 6-7-93

My Commission expires

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93-417-A

93-417-A







